

House File 466 - Introduced

HOUSE FILE 466

BY NIELSEN

A BILL FOR

1 An Act establishing processes for voter approval of a
2 proposition to require a township to provide emergency
3 medical service and for voter approval of a higher
4 additional annual property tax levy rate for the provision
5 of township services.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 359.42, Code 2019, is amended to read as
2 follows:

3 **359.42 Township fire protection service, emergency warning**
4 **system, and emergency medical service.**

5 Except as otherwise provided in [section 331.385](#), the
6 trustees of each township shall provide fire protection service
7 for the township, exclusive of any part of the township within
8 a benefited fire district and may provide emergency medical
9 service. However, except as otherwise provided in section
10 331.385, the trustees of a township shall provide emergency
11 medical service for the township if required to do so by a
12 proposition approved under section 359.44. The trustees may
13 purchase, own, rent, or maintain fire protection service or
14 emergency medical service apparatus or equipment or both
15 kinds of apparatus or equipment and provide housing for the
16 equipment. The trustees of a township which is located within
17 a county having a population of three hundred thousand or
18 more may also establish and maintain an emergency warning
19 system within the township. The trustees may contract with a
20 public or private agency under [chapter 28E](#) for the purpose of
21 providing any service or system required or authorized under
22 this section.

23 Sec. 2. Section 359.43, subsection 2, Code 2019, is amended
24 to read as follows:

25 2. a. If the levy authorized under [subsection 1](#) is
26 insufficient to provide the services authorized or required
27 under [section 359.42](#), the township trustees may levy an
28 additional annual tax not exceeding twenty and one-fourth cents
29 per thousand dollars of assessed value of the taxable property
30 in the township, excluding any property within the corporate
31 limits of a city, to provide the services.

32 b. (1) The additional annual tax authorized under paragraph
33 "a" may be imposed at a rate not exceeding forty and one-fourth
34 cents per thousand dollars of assessed value if the trustees of
35 the township are providing emergency medical service for the

1 township and if the authority to impose the higher additional
2 annual tax rate is approved at election.

3 (2) (a) The board of township trustees may on its own
4 motion, and upon receipt of a valid petition shall, direct the
5 county commissioner of elections to submit to the registered
6 voters of the township in the areas where the additional
7 annual tax is imposed, the proposition of levying the higher
8 additional annual tax rate for a period of time stated in the
9 proposition.

10 (b) A valid petition shall be signed by eligible electors of
11 the township residing outside the corporate limits of a city
12 equal in number to at least twenty-five percent of the number
13 of votes cast in the township outside the corporate limits
14 of a city for the office of president of the United States
15 or governor at the preceding general election. The petition
16 shall include the signatures of the petitioners, a statement
17 of their place of residence, and the date on which they signed
18 the petition.

19 (c) The election shall be held at the next general election
20 following adoption of the board's motion or receipt of the
21 valid petition and may be included on the same ballot as a
22 proposition submitted to the voters under section 359.44.
23 However, a petition authorized by this section shall be filed
24 not later than eighty-two days before the date of the general
25 election if the proposition is to be voted upon at the general
26 election. If a valid petition is filed after that date, the
27 proposition shall be voted on at the general election following
28 the next general election.

29 (d) A petition shall be examined before it is accepted for
30 filing. If it appears valid on its face, it shall be accepted
31 for filing. If it lacks the required number of signatures, it
32 shall be returned to the petitioners.

33 (e) Petitions which have been accepted for filing are
34 valid unless written objections are filed. Objections must be
35 filed with the county auditor within five working days after

1 the petition was filed. The objection process in section
 2 44.7 shall be followed for objections filed pursuant to this
 3 section.

4 c. The proposition is adopted if a majority of those
 5 voting on the proposition at the election approves it. If the
 6 proposition is approved at election, the township trustees may
 7 impose the additional annual tax authorized under paragraph "a"
 8 at a rate not exceeding forty and one-fourth cents per thousand
 9 dollars for the period of time approved at election, beginning
 10 with the fiscal year beginning July 1 following the general
 11 election at which the proposition was approved.

12 d. The proposition is not affected by a change in the
 13 boundaries of the township.

14 e. An extension of the period of time for the authorization
 15 to impose the higher additional annual tax rate or rescission
 16 of the authorization to impose the higher additional annual tax
 17 rate may be completed using the same procedure as is required
 18 for initial approval. However, the authorization to impose the
 19 higher additional annual tax rate may also be rescinded under
 20 section 359.44, subsection 7.

21 **Sec. 3. NEW SECTION. 359.44 **Emergency medical service —****
 22 **motion or petition — election.**

23 1. a. Unless the county is providing emergency medical
 24 service to a township pursuant to section 331.385, the board
 25 of township trustees may on its own motion, and upon receipt
 26 of a valid petition shall, direct the county commissioner of
 27 elections to submit to the registered voters of the township,
 28 excluding those areas of the township within corporate
 29 boundaries of a city, the proposition of requiring the township
 30 to provide emergency medical service to those areas of the
 31 township outside the corporate limits of a city and outside
 32 those areas being provided emergency medical service under
 33 chapter 357F or 357J for a period of time stated in the
 34 proposition but not less than four years.

35 b. A valid petition shall be signed by eligible electors of

1 the township residing outside the corporate limits of a city
 2 equal in number to at least twenty-five percent of the number
 3 of votes cast in the township outside the corporate limits
 4 of a city for the office of president of the United States
 5 or governor at the preceding general election. The petition
 6 shall include the signatures of the petitioners, a statement
 7 of their place of residence, and the date on which they signed
 8 the petition.

9 c. The election shall be held at the next general election
 10 following adoption of the board's motion or receipt of the
 11 valid petition. However, a petition authorized by this section
 12 shall be filed not later than eighty-two days before the date
 13 of the general election if the proposition is to be voted upon
 14 at the general election. If a valid petition is filed after
 15 that date, the proposition shall be voted on at the general
 16 election following the next general election.

17 d. A petition shall be examined before it is accepted for
 18 filing. If it appears valid on its face, it shall be accepted
 19 for filing. If it lacks the required number of signatures, it
 20 shall be returned to the petitioners.

21 e. Petitions which have been accepted for filing are valid
 22 unless written objections are filed. Objections must be
 23 filed with the county auditor within five working days after
 24 the petition was filed. The objection process in section
 25 44.7 shall be followed for objections filed pursuant to this
 26 section.

27 2. The question shall be submitted to the voters in
 28 substantially the following form:
 29 Shall the township of, in
 30 County, Iowa, be required to provide emergency medical
 31 service to those areas of township outside the
 32 corporate limits of a city and outside the areas receiving
 33 emergency medical service from another political subdivision
 34 of this state and provide such service through imposition of
 35 a property tax in those areas of the township outside the

1 corporate limits of a city?

2 3. The proposition to impose a higher additional annual tax
3 pursuant to section 359.43, subsection 2, shall be included on
4 the ballot and submitted to the voters at the same election as
5 the proposition to require the township to provide emergency
6 medical service under this section.

7 4. The proposition is adopted if a majority of those
8 voting on the proposition at the election approves it. If the
9 proposition is approved at election, the township trustees
10 shall provide emergency medical service to all areas of the
11 township outside the corporate limits of a city and those areas
12 not otherwise receiving such service under chapter 357F or 357J
13 using methods and funding authorized in sections 359.42 and
14 359.43 for the period of time approved at election, beginning
15 with the fiscal year beginning July 1 following the general
16 election at which the proposition was approved.

17 5. The proposition is not affected by a change in the
18 boundaries of the township.

19 6. An extension of the period of time for requiring the
20 township to provide emergency medical service under this
21 section or the rescission of the requirement to provide
22 emergency medical service may be completed using the same
23 procedure as is required for initial approval.

24 7. In lieu of the procedure under subsection 6, the
25 requirement for providing emergency medical service under this
26 section may be rescinded by resolution of the board of township
27 trustees, upon a finding that the emergency medical service
28 being provided has not been beneficial or is unnecessary.
29 If the requirement for providing emergency medical service
30 is rescinded under this subsection and the township ceases
31 to provide emergency medical service, the authorization for
32 imposition of a higher additional annual tax rate under section
33 359.43, subsection 2, paragraph "b", is terminated.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 Current law authorizes but does not require the board of
3 township trustees to provide emergency medical service for
4 the township and to fund such service through imposition of
5 a property tax levy. This bill establishes a process for
6 voter approval of a proposition to require a board of township
7 trustees to provide emergency medical service to specified
8 areas of the township.

9 The bill provides that unless the county is providing
10 emergency medical service to a township pursuant to Code
11 section 331.385, the board of township trustees may on its own
12 motion, and upon receipt of a valid petition shall, direct the
13 county commissioner of elections to submit to the registered
14 voters of the township, excluding those areas of the township
15 within corporate boundaries of a city, the proposition of
16 requiring the township to provide emergency medical service to
17 those areas of the township outside the corporate limits of a
18 city and outside those areas being provided emergency medical
19 service under Code chapter 357F (benefited emergency medical
20 services district) or 357J (emergency response district) for a
21 period of time stated in the proposition but not less than four
22 years.

23 A valid petition must be signed by eligible electors of
24 the township residing outside the corporate limits of a city
25 equal in number to at least 25 percent of the number of votes
26 cast in the township outside the corporate limits of a city
27 for the office of president of the United States or governor
28 at the preceding general election. The election to vote on
29 the proposition is required to be held at the next general
30 election following adoption of the board's motion or receipt of
31 the valid petition, subject to a filing deadline specified in
32 the bill. The bill also specifies the process for filing and
33 hearing objections to the petition and the form of the question
34 that appears on the ballot.

35 A proposition is adopted if a majority of those voting on the

1 proposition at the election approves it. If the proposition
2 is approved at election, the township trustees are required
3 to provide emergency medical service to those specified areas
4 of the township using methods and funding authorized in Code
5 sections 359.42 and 359.43 for the period of time approved
6 at election, beginning with the fiscal year beginning July 1
7 following the general election at which the proposition was
8 approved. The bill also requires that the proposition to
9 impose a higher additional annual tax pursuant to Code section
10 359.43(2), as amended in the bill, shall be included on the
11 ballot and submitted to the voters at the same election as
12 the proposition to require the township to provide emergency
13 medical service.

14 An extension of the period of time for requiring the township
15 to provide emergency medical service or the rescission of the
16 requirement to provide emergency medical service under the bill
17 may be completed using the same procedure as is required for
18 initial approval. In lieu of such process required for initial
19 approval, the requirement for providing emergency medical
20 service may be rescinded by resolution of the board of township
21 trustees, upon a finding that the emergency medical service
22 being provided has not been beneficial or is unnecessary. If
23 the requirement for providing emergency medical service is
24 rescinded by resolution of the board and the township ceases
25 to provide emergency medical service, the authorization
26 for imposition of a higher additional annual tax rate is
27 terminated.

28 Current Code section 359.43 authorizes township trustees
29 to levy an annual tax not exceeding 40.5 cents per \$1,000
30 of assessed value of the taxable property in the township,
31 excluding property within a benefited fire district or within
32 the corporate limits of a city, for the purpose of providing
33 fire protection service and emergency medical service for the
34 township. If the 40.5-cent levy is insufficient to provide the
35 services authorized or required, the township trustees may levy

1 an additional annual tax not exceeding 20.25 cents per \$1,000
2 of assessed value.

3 The bill authorizes the township trustees to impose the
4 additional annual tax at a rate not exceeding the 40.25 cents
5 per \$1,000 of assessed value if the trustees of the township
6 are providing emergency medical service for the township and
7 if the authority to impose the higher additional annual tax
8 rate is approved at election. The board of township trustees
9 may on its own motion, and upon receipt of a valid petition
10 shall, direct the county commissioner of elections to submit to
11 the registered voters of the township in the areas where the
12 additional annual tax is imposed, the proposition of levying
13 the higher additional annual tax rate for a period of time
14 stated in the proposition. The election is required to be held
15 at the next general election following adoption of the board's
16 motion or receipt of the valid petition and may be included
17 on the same ballot as a proposition requiring the township to
18 provide emergency medical service under Code section 359.44, as
19 enacted in the bill. The proposition is adopted if a majority
20 of those voting on the proposition at the election approves it.
21 An extension of the period of time for the authorization to
22 impose the higher additional annual tax rate or rescission of
23 the authorization to impose the higher additional annual tax
24 rate may be completed using the same procedure as is required
25 for initial approval. However, the authorization to impose
26 a higher additional annual tax rate may also be rescinded by
27 resolution of the board of township trustees.

28 By operation of law, the bill applies to a county that has,
29 by resolution under Code section 331.385, assumed the exercise
30 of the powers and duties of township trustees relating to
31 fire protection service and emergency medical service for any
32 township located in the unincorporated area of the county.